

## WILDLIFE EASEMENT ACT

### **W.S. § Wildlife easement defined.**

A wildlife easement is a voluntary grant or conveyance, by written instrument, where the owner of real property relinquishes the right to construct improvements upon land or to develop land in a manner that is inconsistent with the purpose of the wildlife easement as set forth in the instrument creating the easement. The purpose of a wildlife easement is to retain or maintain land, including improvements, in a condition appropriate for wildlife habitat uses.

### **W.S. § Nature of wildlife easement; creation.**

- (a) A wildlife easement is an interest in real property which may be perpetual or for a term of years as set forth in the instrument creating the easement. The particular characteristics of a wildlife easement are those granted or specified in the instrument creating the easement. All interests not transferred or conveyed by the instrument creating the easement shall remain in

the grantor of the easement, including the right to engage in all uses of the lands affected by the easement which are not inconsistent with the easement or prohibited by the easement or by law.

- (b) A wildlife easement may be created by the record owners of the surface of the land affected by the easement by a deed or other instrument of conveyance executed in accordance with the statutes of this state.

**W.S. §                      Recordation.**

Instruments creating, assigning or otherwise transferring or terminating wildlife easements shall be recorded in the office of the county clerk of the county in which the affected land is located in order to become valid and shall conform to all other legal requirements for recordation.

**W.S. §                      Release; termination.**

Wildlife easements may, in whole or in part, be released, terminated or extinguished by merger with

the underlying fee interest in the servient land or by any means recognized by law.

**W.S. §                      Enforcement.**

No wildlife easement shall be unenforceable by reason of lack of privity of estate or contract, lack of benefit to particular land or because not expressed as running with the land. Actual or threatened injury to or impairment of a wildlife easement or the interest intended for protection by the easement may be prohibited or restrained by injunctive relief granted by a court of competent jurisdiction in a proceeding initiated by the grantor or grantee of the easement.

**W.S. §                      Other interests not impaired.**

This act shall not affect the legal rights of the owner or lessee of any mineral estate in the property affected by a wildlife easement to enter upon, explore for, extract, remove, lease, convey or produce minerals in accordance with law. This act shall not affect the rights of a public utility, municipality or political subdivision to acquire property or interest

therein by eminent domain and to use the acquired property for the purposes for which it was acquired in accordance with law. No provision of this act shall be construed to mean that open space or conservation easements were not lawful estates in land prior to the passage of this section.

This act shall become effective immediately upon completion of all action required for it to become law.